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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,187	12/01/2000	Mark G. Crawford	SST/1083	4508
498	7590	12/17/2009		
JAMES R. CYPHER 405 14TH STREET SUITE 1607 OAKLAND, CA 94612			EXAMINER KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			12/17/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/728,187	<b>Applicant(s)</b> CRAWFORD ET AL.	
	<b>Examiner</b> BASIL KATCHEVES	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 and 26-36 is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,454,694 to Davanture in view of U.S. Patent No. 4,834,602 to Takasaki.**

Regarding claim 25, Davanture discloses an enclosure having connecting joints abutting along the short sides together (fig. 7) with parallel ends, the ends shorter than the sides (longitudinal sides). Davanture also discloses a fastener passing through one part (fig. 7: right side of component 7) and into the other side (left side of component 7). However, Davanture does not teach that the longitudinal sides are parallel since the component is cylindrical (see other embodiment, figs. 5 and 6 of fig. 7: 7). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to change the shape of the component 7 in fig. 7 of Davanture to have parallel sides, such as a rectangular shape because a change in shape is within the level of ordinary skill in the art absent persuasive evidence that the particular configuration is significant

(see MPEP 2144.04 (IV) (B)). Also, the applicant should note that Davanture discloses a rectangular cross section for the component in fig. 4. Davanture does not particularly disclose what material the connecting component as being made from. However, Davanture teaches that the structure may be made from wood (column 4, lines 36-39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use wood as the material for the connecting component shown in fig. 7 also since Davanture teaches attaching the component by glue (column 3, lines 32-35), wood would be obvious since it is one of the best construction materials that may be glued.

Davanture teaches this two piece component as described above but does not particularly disclose the details of the fastener as being a screw with pointed end and recess for cutting and a shank with threaded portion. Davanture teaches half of the connecting component is tapped (column 3, lines 46-59). Takasaki discloses a tapping screw (title) having a threaded shank and a recess at the tip (fig. 1: 4' & 5 and fig. 4: 10 & 10') for cutting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Davanture by using the tapping fastener disclosed by Takasaki in order to speed construction since the tapping fastener would automatically tap the connecting component as it enters and provide the tap desired by Davanture.

***Allowable Subject Matter***

Claims 1-24, 26 and 28-36 are allowed.

### **Response to Arguments**

Applicant's arguments filed 1/21/09 have been fully considered but they are moot under new grounds of rejections necessitated by the applicant's amendment.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to screws in wood structures in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635